

ORDINANCE NO. 20200921D

AN ORDINANCE OF THE CITY OF ROGERS, TEXAS, CLOSING, VACATING, AND ABANDONING A PORTION OF STREET RIGHT-OF-WAY, NAMELY A PORTION OF A RIGHT OF WAY DESIGNATED AS ELIZABETH STREET; PROVIDING FINDINGS OF FACT; PROVIDING SEVERABILITY, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the street right-of-way as shown and described in the map attached hereto as Exhibit "A", known as Elizabeth Street, is not necessary for use by the City as an alley or street;

WHEREAS, the owners of the property abutting the portion of the identified street right-of-way, as shown and described in the map attached hereto as Exhibit "A", has petitioned the City to release and vacate the described portion of the street and associated right-of-way;

WHEREAS, the City has received a written request, which has been accepted as a petition signed by the owners of the real property abutting the identified street right-of-way, to vacate and abandon that portion of the right-of-way abutting those parcels of real property with Bell County Appraisal District Parcel I.D. Nos. 67086, 67088, 67085, and 67089 described in Exhibit "A", the identified right-of-way abuts only the Northerly boundaries of Parcel I.D. 67086 and Parcel I.D. 67089 and only the Southerly boundaries of Parcel I.D. 67088 and Parcel I.D. 67085;

WHEREAS, the portion of the identified street right-of-way is shown on the City plat as a portion of Elizabeth Street, however, the street has not been constructed and no improvements have been constructed by the City in the designated right-of-way;

WHEREAS, that portion of the right-of-way described in Exhibit "A" is not necessary for the purpose of serving the general public or the landowner adjacent thereto as a street;

WHEREAS, the remainder of any designated right-of-way not particularly and expressly described in this Ordinance and the Exhibit "A" shall remain open for ingress and egress of the public;

WHEREAS, the City will no longer have any obligation or duty to maintain any portion of the designated or dedicated right of way being vacated and abandoned as provided in this Ordinance and that the maintenance and improvement of such portions of the dedicated right of way and associated right-of-way shall be of the sole responsibility and obligation of the owners of the real property abutting the identified street right-of-way, as shown and described in the map attached hereto as Exhibit "A"; and

WHEREAS, the City Council for the City of Rogers finds that vacating of, abandonment of, and cessation and elimination of the City's obligation and duty to pay for the maintenance for the portions of the dedicated right of way to be vacated and abandoned as provided in this Ordinance serves a public purpose for the City and for the Citizens of the City of Rogers;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are incorporated into this Ordinance as findings of fact by the City Council of Rogers, Texas.

Section 2. Right-of-Way. The right-of-way of the described portion of Elizabeth Street, all as shown and described in the map attached hereto as Exhibit "A" and incorporated herein for all purposes, is hereby permanently closed, vacated, and abandoned by the City and the general public.

Section 3. No maintenance or Improvements. No improvements have been constructed in or upon the identified street right-of-way identified as a portion of Elizabeth Street attached hereto as Exhibit "A". The City shall have no obligation or duty to maintain the surface of any portion of the designated or dedicated right of way being vacated and abandoned as provided in this Ordinance. The maintenance and improvement of such portions of the dedicated right of way and associated right-of-way shall be of the sole responsibility and obligation of the owners of the real property abutting the right-of-way identified as a portion of Elizabeth Street as shown in the attached Exhibit "A";

Section 4. No Release of Abandonment of Easements in Use. The City does not, by adoption of this Ordinance, release or abandon any other existing public utility easement rights or any water, wastewater, or other utility infrastructure owned or used by the City.

Section 5. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. Effective Date. This ordinance shall take effect immediately from and after its passage.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED on this the 21st day of September, 2020.

CITY OF ROGERS, TEXAS



Billy Ray Crow, Mayor

ATTEST:



City Secretary, Chris Hill